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## CHAPTER 3

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### Other similarly structured states also struggle with governance issues

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#### Variations on Wyoming's model of education governance

Most states are set up according to one of four basic models of state education governance, Wyoming being one of 11 with an elected superintendent and a governor-appointed state board. In 1991, during reorganization of state government, the Wyoming Legislature considered establishing an entirely different structure, one that would have abolished the office of superintendent and replaced it with a Board of Regents responsible for all levels of education. The Legislature rejected that proposal and other major changes, ultimately deciding to keep the state's traditional model.

***Wyoming has considered and rejected changing its structure.***

Because radical change has been considered and rejected, we looked at the ten other states with similar education governance structures to see if their systems differ from Wyoming's in ways that offer strong advantages. The purpose was to offer ideas for modification that might fine-tune Wyoming's existing system. We found significant variation in the internal organization as well as the balance of duties and responsibilities among these other states, yet most of them acknowledge that tensions arise sometimes between their chief education officer and their state board. Although this creates occasional difficulty and organizational challenges, they also acknowledge the importance of both the superintendent and the board in contributing to a complete picture for the education system.

***Other states' structures provide options for change.***

In this chapter we draw on the similarly-structured states for what can be learned with regard to possible modifications. The features are: (1) the Superintendent has accountability but not authority; (2) the Board must rely upon Department staff over which it has no control; (3) the scope of the Board's role; and (4) which entity has the final authority.

## **Reorganization of state government did not produce significant changes in Wyoming's education governance structure**

***Past Legislatures have considered a governor-appointed chief education officer.***

In 1989, the Joint Legislative-Executive Efficiency Study Committee recommended formulation of a cabinet-level Department of Education which would encompass all education activities at the state level: elementary and secondary education, community colleges, the Western Interstate Commission for Higher Education, and the University of Wyoming. The 1989 Legislature considered a constitutional amendment that would have paved the way for the Governor to appoint the proposed Department director. Although the measure passed the Senate, it encountered stiff opposition in the House of Representatives and failed.

The Study Committee continued to search for an acceptable means of bringing all education sectors under the cabinet umbrella, and two years later again recommended revising the state's educational structure, this time into a Board of Regents. As noted above, that attempt failed and there have not been serious attempts to reconfigure the system since then.

## **Eleven states fall under the same model of education governance, but still vary greatly**

***States individualize their governance structures.***

The National Association of State Boards of Education (NASBE) and the Education Commission of the States have developed charts that categorize the generally accepted main models of education governance currently in practice throughout the United States (see Appendix B-1). Neither organization holds that a particular model is superior to others; instead, they explain that there is considerable variation among states because each developed a preferred structure according to its own customs and traditions. For example, in some states, board members are elected and they appoint the chief state school officer; in others, the governor appoints the chief officer. Accordingly, we were unable to identify a single "best practice" model for state education governance systems.

The ten other states that, like Wyoming, elect a superintendent and

permit the governor to appoint state board members are: Arizona, California, Georgia, Idaho, Indiana, Montana, North Carolina, North Dakota, Oklahoma, and Oregon. All but three – Georgia, Indiana, and North Carolina – are western states. Each of these states has different demographics, needs, and educational priorities which understandably influence the infrastructure of their particular system. Thus we found distinct variations among them in how education is organized at the state level.

### **Each state’s system may have its own strengths and weaknesses**

***Maintaining a balanced relationship is also a challenge for other states.***

We contacted key personnel in these states and learned that their systems are not exempt from concerns about the working relationship between their state board and superintendent. Several said that even if things are going well now, they may not have run smoothly in the past. The balance in the relationship can be tenuous, with several indicating the dynamics are about to change because of recent board appointments. Others indicated their current working relationship could change for better or worse depending on what happens in the next election.

For the most part, states currently enjoying a smooth relationship attribute this cohesiveness to a same-mindedness or political synchronicity on the part of their superintendent and board members, or alternatively, to strong positive leadership committed to providing direction and cooperation. Given this context, we asked questions in several areas we had identified as “sticking points” in Wyoming’s governance structure.

### **What authority does the Superintendent have?**

***Superintendents generally oversee the department and implement policy.***

While the superintendents in the ten states we compared are elected officials, the responsibilities assigned to them vary according to statutory and constitutional requirements unique to each state. Generally, superintendents are in charge of, or the chief executive officers of, the education department and are responsible for overseeing implementation of education programs. The primary exception is Idaho, which has made the state board its governing body for all of education in the state including post-secondary; the superintendent is responsible to the state board only when he deals with kindergarten through grade 12 public

education matters.

**Several states give the Superintendent a formal voice on the State Board.**

Wyoming's Superintendent, an ex-officio member of the State Board, does not have a vote. Three other states (North Dakota, California, and North Carolina) have similar provisions, but five states (Idaho, Arizona, Indiana, North Dakota, and Oklahoma) make the superintendent a voting member of the state board. This gives the superintendent a formal voice in policy making and a say in approving board actions. Indiana's Superintendent is also the chairman of the state board and thus has considerable discretion in setting the board's agenda.

**Figure 3.1**

**State Boards of Education  
Selected Membership Features**

State	Number of appointed members/Length of term in years	Superintendent is a voting member	Appointments have balanced political affiliation
Arizona	11/4	Yes	No
California	11/4	No	No
Georgia	13/7	No	No
Idaho	7/5	Yes	No
Indiana	10/6	Yes	Yes
Montana	7/7	No	Yes
North Carolina	11/8	No	No
North Dakota	6/4	Yes	No
Oklahoma	6/6	Yes	No
Oregon	7/4	No	No
Wyoming	11/6	No	Yes

Source: LSO

**Overlapping authority between**

In half the states we contacted, the superintendent is charged with overseeing federal programs while the state board has authority over standards and graduation requirements. Officials in these states mentioned recent federally-mandated No Child Left Behind regulations as providing more of an entree into policy making on the superintendent's part, or at least making the lines of authority somewhat more overlapping and on occasion contentious.

***the Superintendent  
and State Board may  
create friction.***

In six of the states, the superintendent also serves on other state boards as part of his or her elected official responsibilities. In Idaho for example, the superintendent serves on numerous boards and committees. In most of these six states, superintendents serve on their state land board as well as state investment and retirement boards. Staff from several states commented on the considerable time their superintendents spend on those responsibilities, which often are not directly education-related.

**How does the Board get the information it needs to make informed decisions?**

In Wyoming, the State Board relies on the Department of Education to provide complete, accurate, and timely information and materials. In the past, access to department personnel and resources has varied based on the individual Superintendent's administrative style and view of the State Board. The relationship has run the gamut from full access to all staff, to Board members being required to conduct all inquiries through the staff liaison designated by the Superintendent.

***State boards have  
support staff based  
on extent of duties.***

In the other similarly structured states, the most common staffing structure is an executive director and one or two support staff. Idaho is the major exception, in that its board has full authority over the entire department as well as the elected superintendent. At the other end of the spectrum is North Dakota, whose board has very specific and limited authority; it is staffed by a single liaison supplied by the department.

***Wyoming's State  
Board establishes  
policy.***

**What is the scope of the Board's role?**

Wyoming statutes assign responsibility for establishing state education policy to the Board. Most of the other ten states also describe their boards as being responsible for approving policy, especially over areas of standards, assessment, graduation requirements, and accreditation. The charge of the California board also includes monitoring and implementing standards, and overseeing charter schools and federal programs. Several state boards provide an appeal process for teacher licensing and other local school board issues.

***State boards may have full authority, authority over specific issues, or almost no authority.***

### **Who has final authority?**

As with the other issues we compared, the authority of a state board varies in degree, by issue, and by state. One state we contacted has a board with policy making ability and approval by law, although in reality policy is developed by the department while the board is said to “rubber stamp” their work. The converse is true for three states: Idaho, Georgia, and North Carolina give their state boards final authority on policy matters, with Idaho’s board having authority on all educational matters. In North Carolina, the issue of final authority was resolved in favor of the State Board after the Superintendent sued the State Board.

In other states, the board may be designated as the state agency for specific areas of education, giving it final authority over those issues. Or the state board may have clearly defined authority in a specific area such as teacher licensing, and an implied or perceived final authority in other areas. For most states, however, the hierarchy of authority is not defined in statute; instead, it is subject to the interpretation and customs of the department and the individuals involved.

### **Other states’ structures appear to contain their share of ambiguity and “healthy tension”**

***Greater collaboration may produce better results.***

Our review of similar states’ governance models provided interesting and almost infinite points of comparison, but did not point to specific, inherently superior, adaptations of the system. The comparison suggests that, given its model of elected superintendent and appointed board, the tension within Wyoming’s system is not unusual. It also suggests that interlocking responsibilities, while creating occasional conflict, may lead to full discussion of critical issues, and in the end generate a more collaborative body of policy.